IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

Bail Appl..No. 6181 of 2007()

CRIME NO. 491/2007 OF CHENGANNUR POLICE STATION

PETITIONER :

NIDHIN BALAN,BALA NIVAS,NEDUVARAMCODE
P.O,CHENGANNUR.

BY ADV. SRI.P.HARIDAS

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
CHENGANNUR POLICE STATION.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.6181 of 2007

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Dated this the 10th day of October, 2007

ORDER

The petitioner is the 1st accused in a crime registered for offences punishable, inter alia, under Section 308 read with 149 IPC. The alleged incident took place on 28.8.07. The petitioner is allegedly the principal accused. He had allegedly wielded the weapon - a granite stone and inflicted a serious injury on the head of the victim. The 2nd and 3rd accused had come to this Court claiming anticipatory bail and regular bail respectively. Their applications were disposed of by order dated 19.9.07 in B.A.No.5543/2007 and 13.9.07 in B.A.No. 5558/2007. Anticipatory bail was refused to the 2nd accused and regular bail was granted to the 3rd accused. I have adverted the facts in detail in the earlier orders. This order must be read in continuation of the said orders. I am not hence adverting to facts in greater detail in this order.

2. The learned Public Prosecutor opposes the application. I find merit in opposition by the learned Public Prosecutor. I find no reason whatsoever to grant anticipatory bail to the petitioner who had allegedly wielded the weapon and inflicted serious injury on the victim. I agree that this is a fit case where the petitioner must resort to the

ordinary and normal course of appearing before the learned Magistrate having jurisdiction. He must then seek regular bail. I have no reason to assume that the learned Magistrate would not consider the application for regular bail on merits, in accordance with law and expeditiously. Every court must do the same.

3. In the result, this petition is dismissed. Needless to say, if the petitioner appears before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE